

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTIN GLEN FINIGAN,

Defendant.

3:19-CR-053-MMD-CLB

Preliminary Order of Forfeiture

This Court finds Austin Glen Finigan pled guilty to Count Two of a Two-Count Indictment charging him with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Indictment, ECF No. 1; Change of Plea, ECF No. 56; Plea Agreement, ECF No. 53

This Court finds Austin Glen Finigan agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Change of Plea, ECF No. 56; Plea Agreement, ECF No. 53.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which Austin Glen Finigan pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252A(a)(5)(B) and (2) any property, real or personal, used or intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(5)(B) or any

property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 2253(a)(1) and 18 U.S.C. § 2253(a)(3):

1. Western Digital 2 TB Hard Drive S/N: WCC4MIPUHLUP;
 2. Seagate XBOX Hard Drive S/N: NZ07HW6Q; and
 3. Cyber Power Custom PC S/N: ET8288-3135-containing (10 Toshiba 240GB Hard Drive (S/N: 174723800575)
- (all of which constitutes property).

This Court finds that the United States of America may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Austin Glen Finigan in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, which

petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
James A. Blum
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED June 4, 2020.



HONORABLE MIRANDA M DU
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

A copy of the foregoing **Preliminary Order of Forfeiture** was served upon counsel of record via Electronic Filing on May 29, 2020.

/s/ Maritess Recinto
MARITESS RECINTO
Paralegal Specialist
US Attorney's Office